

**11/15/10 - Monday, November 15, 2010**

**CITY OF EAU CLAIRE  
PLAN COMMISSION MINUTES**

**Meeting of November 15, 2010**

City Hall, Council Chambers, 7:00 p.m.

Members Present: Messrs. Kaiser, FitzGerald, Kayser, Duax, Larson, Seymour, Pearson

Staff Present: Messrs. Tufte, Reiter, Genskow

The meeting was chaired by Mr. Kaiser.

**1. REZONING (Z-1476-10) “ Multi-family Design Manual**

Mr. Tufte presented a proposed amendment to the Multi-family Design Manual as requested by the Plan Commission. The amendment addresses garages, and the entry doors for each unit which will be viewable from the street. A proposed re-wording of the amendment was presented by Commissioner Seymour. Mr. Tufte noted that the reworded amendment had the same meaning but was more clearly stated.

Mr. Duax requested that the effective date be January 1, 2011, to give builders time to adapt their designs. No one appeared in opposition.

Mr. Kayser moved to recommend approval with the revised wording, and changing the effective date to January 1, 2011. Mr. Duax seconded and the motion carried.

**2. CONDITIONAL USE PERMIT (CZ-1021) “ Home Occupation, 2224 Maren Court**

Shane McVey has requested a conditional use permit to allow a home occupation consisting of the manufacturing/assembly of firearms at his residence at 2224 Maren Court. Mr. McVey stated that he will be assembling component parts for a proto-type rifle which is not completed design yet. The rifles are special high-end target guns which are used only for target sport enthusiasts. They are not hunting rifles. He is required to have an ATF license and track serial numbers of parts and guns for 20 years. He has already passed their background check. This is a start-up business and he hopefully will move to another location when the business grows. There is no ammunition on site and the rifles will be tested at area-authorized rifle ranges.

Tim Heinbach, 2230 Maren Court, spoke in opposition. He stated that this business should be conducted in a commercial or industrial location. He also hunts and owns guns. He is concerned about possible break-ins in the neighborhood and growth of traffic on the cul-de-sac street. A petition signed by neighborhood persons was also presented to the commission.

Jeffrey Peterson, N1911 State Road 85, spoke in support, and asked how many other persons in the neighborhood already had guns in their homes.

Chad Erickson, 918 Timber View Drive, Altoona, and principal at Sherman Elementary School, addressed the concern for safety of children in the neighborhood. The applicant should seek an alternate site to reduce the level of risk to the neighborhood. He noted a State distance requirement of 1,000 feet from schools.

Casey Purvis, 510 Main Street, Knapp, Wisconsin, spoke in support. He stated that there were probably 100 guns within 1,000 feet of the school already in private homes. The applicant would probably have fewer than three at any time at his home. He also stated that there is no manufacture of parts at the business just the assembly of parts.

Linda Bateman, Chippewa County Supervisor, spoke in support. She stated that this a small cottage industry which has good economic potential. The applicant should be given the opportunity to create his business.

Josh Lomprey, 2257 Vesterheim Street, spoke in opposition. He is a neighbor and father who is concerned for the business because it may become a target for thieves because of the high value of the gun since it is not a standard sporting rifle.

Lisa Storms, 2255 Vesterheim Street, cited City zoning code sections which she felt indicated that the business was contrary to these requirements and it would have a negative impact on the neighborhood.

Jondrea Metcalf, 2234 Maren Court, stated that already UPS has mis-shipped ammunition to her home because of a simple address mistake and would be concerned if future mistakes may be made. Her house is also for sale and the negative news may affect a possible sale.

Dennis Knauf, 2308 Vesterheim Street, spoke in opposition. He questioned the applicant™s need for liability insurance.

Patti Fedie, 2937 W. Frank Street, spoke in opposition. She noted that there are other self-employed persons in the neighborhood but they have businesses that have no negative effect of the area.

Dianna Zeegers, 2335 Vesterheim Street, spoke in opposition. She stated that the neighbors have very little information on the proposed business. She had questions on the value of the final product and the security for delivery of the finished rifle. She also

stated that there are private covenants on the property which would prevent the business.

Michael Donaldson, 2818 W. Frank Street, spoke in opposition. He stated that he was in the military and had used high powered rifles. He was concerned about possible burglaries in the neighborhood and the security procedure during transportation of the finished product.

Don Stanley, 1421 Cameron Street, spoke in support stating that he is a pastor who would feel safer with a neighbor who had guns to protect the neighborhood.

Todd Welch, Town of Seymour, spoke in support. He is a small business owner who started in his home and now has several commercial locations, and that Mr. McVey should be given the opportunity to start up his business.

Maureen Doughty, 2217 Maren Court, spoke in opposition. She was concerned that the business may be small now and asked what determines when it is too large for the house.

Shane Hanson, Augusta, Wisconsin, spoke in support. He said this is a matter of private property and does not change the safety of the neighborhood.

Mr. McVey addressed the commission again to clarify some information on the home occupation. He has not started the business yet. He expected to be able alone to assemble up to 20 rifles a month. He will self-deliver the finished product to UPS.

Chris Bredael, 2303 Vesterheim Street, spoke in opposition and felt that the applicant hasn't even completed a business plan.

Mr. FitzGerald moved to approve the request. Mr. Kayser seconded. The Plan Commission then discussed possible conditions. Mr. Kaiser asked Mr. McVey if postponing the request would help him. Mr. McVey responded he would attempt to meet with the neighborhood. Mr. Kaiser then asked if the persons present would consider a meeting by show of hands. Mr. Kaiser then determined that there was not sufficient interest for such a meeting. He called for a vote and the motion failed. Messrs. Larson, Kaiser, Pearson, Kayser, Duax and FitzGerald voted no.

### **3. CERTIFIED SURVEY MAP (CSM-4-10) " 130 Hudson Street**

This item was tabled from the previous meeting. Ms. Emmanuel is requesting a variance in Subdivision Code standards to allow a nonconforming lot to be reduced in size. The lot is a oepole shaped lot with 5,759 sq. ft. She wants to sell the site of the old garage to the neighbor who will demolish the garage and plant lawn. Mr. Tufte stated that under current code she can rebuild a new garage on the remaining site and driveway.

Ms. Emmanuel spoke in support. She stated the garage is old, dangerous, and leaking, and she hasn't used it in five years.

Mr. FitzGerald moved to approve the variance with the conditions listed in the staff report. Mr. Kayser seconded and the motion carried.

### **4. SITE PLAN (SP-1039) " Presto Absorbent Products**

Ayres Associates has submitted a site plan for an addition to the Presto Absorbent Products facility off Melby Street. The site plan shows a 67,800 square foot addition at the southwest corner of the existing building. New loading docks will also be added.

Lisa Fleming, Ayres Associates, appeared in support.

Mr. Kayser moved to approve the site plan with the conditions listed in the staff report. Mr. FitzGerald seconded and the motion carried.

## **5. DISCUSSION**

### **A. UW-EC Master Plan**

Messrs. Mike Rindo and Rick Gonzales from UW-EC, and Jon Hoffman, JJR-Madison consultant, appeared and presented the present draft of the UW-EC Master Plan. Mr. Hoffman reviewed with the commission the process used to determine the needs of the University and the possible physical changes that would be necessary and possible at the university. At the end Mr. Hoffman described the next steps of meetings with the various affected groups in the community before a final draft is prepared.

### **B. Land Use Analysis " Western Avenue**

This item was tabled to a future meeting.

### **C. Private Drives**

This item was tabled to a future meeting.

## **6. MINUTES**

The minutes of the meeting of October 18, 2010, were approved.

Joseph Seymour  
Secretary

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